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8 UNITED STATES BANKRUPTCY COURT
9 DISTRICT OF NEW JERSEY

10 IN RE:

Case No.: 23-11272-JKS

11 JUAN CARLOS JIMENEZ,
12 DEBTOR.

DEBTOR'S CERTIFICATION IN
RESPONSE TO TRUSTEE'S
OBJECTION

13
14 Juan Carlos Jimenez, respectfully says as follows:

- 15
- 16 1. I am the Debtor in the above referenced Chapter 13 case.
 - 17 2. I am filing this certification to respond to the Trustee's objection to my Chapter
18 13 plan.
 - 19 3. I filed this case on February 17, 2023.
 - 20 4. At the time of filing I was facing a Sheriff Sale on a property that I own in Utica,
21 New York.
 - 22 5. The property in Utica is worth about \$175,000.00.
 - 23 6. The property in Utica is an investment property for me and there is a small home
24 equity loan secured to the property.
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1 7. My attorney has advised me that the payoff on this mortgage according to the
2 current creditor is approximately \$41,000.00.

3
4 8. I wish to sell this property to pay off the current mortgagee Ajax and my other
5 debt. I have proposed a 100 percent plan.

6 **Below I will address the Trustee's objections:**

7
8 *a. Debtor has failed to list all assets or income in violation of 11 U.S.C. Sections*
9 *521(a)(1)(B)(i) and 521(a)(1)(B)(ii). Specifically business ownership not*
10 *reported on Schedule B and Statement of Financial Affairs.*

11 9. As to the objection listed above I am amending my schedules to explain that
12 Festival Café is a defunct business but I still use some of its remains to conduct business
13 as a sole proprietor, on online perfume salesman. Specifically Festival Café was a
14 restaurant that has been closed more than one decade. I own no assets from the restaurant.
15 After the restaurant closed I sold wholesale seafood, jewelry and perfume. I am solely
16 focused on perfume sales now.

17
18
19 *b. The plan does not appear to be feasible pursuant to 11 U.S.C. Section 1325(a)(6),*
20 *as the debtor will be unable to make payments under the plan and to comply*
21 *with the plan. Specifically, need listing to verify efforts being made to sell Utica*
22 *real estate within six months as proposed.*

23
24 10. As to the objection listed under paragraph b above I listed my property for sale in
25 August 2022 for \$200,000.00. Because of the increase in interest rates I did not have a
26 firm offers at the amount. I lowered the listing price in November 2022 to \$169,000.00.

1 I listed the property with an online brokerage. Because I did not have a full service realtor
2 I had to coordinate all showings and was responsible for all the on the ground sales
3 responsibilities. Because I was dissatisfied with the online brokerage process I removed
4 the listing shortly after the bankruptcy filing and found a buyer on my own. I currently
5 have a buyer who is willing to purchase the property for \$180,000 wherein he will pay
6 me \$90,000 at closing and the remaining \$90,000.00 within 24 months.
7
8

9 ***c. Debtor has failed to provide proof of insurance. Specifically, home.***

10 11. As to the objection listed under paragraph c, I have homeowner's insurance on
11 both of my properties. I have provided a document to 13 Documents that shows the
12 insurance that I have purchased for the Utica property. I have asked my insurance agent
13 for more detailed declaration pages for both 53 Cottage Street Jersey City, New Jersey
14 and 10 Grant Street, Utica, New York.
15
16

17 ***d. Debtor has failed to provide proof of income. The debtor has failed to provide***
18 ***proof of rental income. The debtor must provide the Trustee with a current lease,***
19 ***receipts, or certification from the tenant to verify this income. The debtor has***
20 ***failed to provide profit and loss statements for the business income reported. The***
21 ***debtor must provide monthly reports for the six month period preceding this***
22 ***filing as well as each month until the case is confirmed. Business bank***
23 ***statements must accompany the profit and loss statement.***
24
25

26 12. I have attached a six month profit and loss statement that my accountant prepared.
27 I have asked her to resubmit the same information on the Trustee's monthly reports but
28

1 it has taken a little longer because it is tax season. The numbers should reflect an average
2 of about \$1,008.00 in take home pay for me from online perfume sales. In the past, prior
3 to COVID I had a tenant in the 10 Grant Street. He stopped paying during COVID and
4 left which is a source of my problems with that property and my save it from foreclosure.
5 I have tenants now in the 53 Cottage Street Property. I receive \$1,500.00 from one tenant
6 and \$1,600.00 from a second tenant.
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8

9 *e. The Trustee did not receive the required documentation in advance of the 341*
10 *meeting. Therefore, a meaningful 341 could not be conducted. The case will be*
11 *presented for dismissal at confirmation.*
12

13 13. I did not have all of my documents ready for the 341 hearing because of the
14 emergent manner this case was filed. However I should have the remainder the
15 documents in the form that the Trustee requires on or before the end of the business day
16 on April 24, 2023. I am also current with my Trustee payments through April 2023. In
17 addition, the two main creditors in my case are adequately protected and oversecured.
18

19 *f. The automatic stay has elapsed in this case, specifically: 11 USC §362(c)(3)(A)*
20 *– this is the debtor’s second filing within one year and 30 days have now passed*
21 *without a Motion to Extend Stay being filed.*
22

23 14. There is now a pending motion to reinstate extend the stay returnable on May 11,
24 2023. I realize I had a prior case that was pending within the past year and that is why
25 the stay only lasted for 30 days. However, that case was pending for more than three
26 years. That case essentially went bad when I stopped receiving rental income from my
27
28

1 tenant in Utica and I could not keep up with the Trustee, the Jersey City property and the
2 Utica property. That is why I have decided the best way to reorganize is sell the Utica
3 property and pay everyone off.
4

5 15. For each of the foregoing reasons, it is respectfully requested that the Court enter
6 an order addressing the Trustee objection in following manner.
7

- 8 a. Allow me until the end of the business day on April 24, 2023 to submit all 341
9 documents to the Chapter 13 Trustee.
10 b. Adjourn this Confirmation hearing to May 25, 2023 to allow me to appear at a
11 rescheduled 341 hearing before the Chapter 13 Trustee.

12 16. I certify the facts set forth in this Certification are true. I understand if this
13 certification contains willfully false statements I am subject to punishment.

14 April 11, 2023

/s/ JUAN CARLOS JIMENEZ

Attorney Name

EXHIBIT A

VALUATION

10 GRANT STREET

UTICA NEW YORK

EXHIBIT B

VALUATION

53 COTTAGE STREET

JERSEY CITY NEW JERSEY